

**Decision Record and Finding of No Significant Impact
for
Out of Bounds Adventures**

Decision:

Based on the analysis and evaluation of the environmental assessment, it is my decision to authorize a special recreation permit for a period of one year, for commercial recreation operations on BLM administered land. The standard stipulations for special recreation permits are attached to the Decision Record and the authorizing permit.

This decision includes the mitigation measures adopted as stipulations in EA-AK-040-95-015 (see Attachment 1), and the additional mitigation measures identified as stipulations in this analysis.

Mitigation Measures:

If goats are observed on rock islands, landing areas must be located a minimum of one mile from the observed goat activity. Flight paths should be altered to avoid flying over rock islands with observed goat activity.

Rationale for the Decision:

The decision to allow the Proposed Action does not result in any undue or unnecessary environmental degradation.

The analysis addresses the issues resulting from the Proposed Action. The glacier landing tours will help meet demand from the public for this type of service and increase the economic base of the area. The limits placed on the operation in the form of stipulations will minimize impacts to residents, recreationists and wildlife. The decision considers off-site effects (enroute) on residents, recreationists and wildlife. It is possible to influence enroute actions by requiring environmentally responsible conduct as a condition of landing on public lands.

Finding Of No Significant Impact (FONSI):

Based on the analysis of potential environmental impacts contained in the attached environmental assessment, I have determined that impacts are not expected to be significant and an environmental impact statement is not required.

Compliance and Monitoring:

Monitoring will be conducted as part of the on-going monitoring under the Temsco permit (EA-AK-040-95-015). As determination of buffers for aircraft use are made by professional biologists or significant declines in mountain goat populations occur, some adjustments in flight corridors landing sites and/or distances from animals may be necessary within this one year permit period.

ANILCA Section 810 (a) Summary:

The Proposed Action will not restrict subsistence uses. No reasonably foreseeable significant decrease in the abundance of harvestable resources and no limitation on harvester access to subsistence species will result from the Proposed Action. Because these lands are State selected, they may no longer fall under the Federal Subsistence Board, Federal Subsistence Regulations or ANILCA Section 810.

(Signed Nick Douglas)

Anchorage Field Manager

(03-03-00)

Date

ATTACHMENT 1 - CONDITIONS AND STIPULATIONS
Out of Bounds Adventures
Special Recreation Permit (SRP)
BLM Anchorage Field Office

1. This SRP authorizes Out of Bounds Adventures to conduct heliskiing activities on public lands in the following areas:

T. 24, 25, 26, 27 S., R. 57, 58 E.
T.25 S., R. 59 E., Secs. 1-24, 27-33
2. A SRP represents a nonexclusive privilege authorizing special uses of public lands and related waters and, should circumstances warrant, the permit may be modified by the BLM at any time, including the amount of use. The authorized officer may suspend a SRP if necessary to protect public resources, health, safety, the environment, or for noncompliance with permit stipulations. In the event that the lands are transferred to another federal or state agency or a Native corporation, the permit will expire.
3. No aircraft are authorized without property and liability insurance.
4. Adequate insurance must be obtained by the permittee and kept current in order to protect the user, the permittee, and the U.S. Government against liability and litigation. The minimum general liability limits are: \$300,000 or \$500,000 annual aggregate for bodily injury (state limits for guides HB-112), \$10,000 property damage per occurrence and \$25,000 annual aggregate, if the policy specifies aggregate limits. The policy shall list the U.S. Government as an additionally insured. The insurance must be for the company name authorized under the permit.
5. Unless specifically authorized, a SRP does not authorize the permittee to permanently erect, construct, or place any building, structure, or other fixture on the public lands. Any use of the public lands is subject to the condition that upon leaving, the lands must be restored as nearly as possible to preexisting conditions.
6. The permittee must assume the responsibility for inspecting the permitted area for any existing or new hazardous conditions, i.e., natural landing areas, rocks, changing weather conditions, hazardous wildlife, or other hazards that present risks for which the permittee assumes responsibility. Promptly inform BLM of any potential hazardous waste sites.
7. The permittee shall comply with all Federal, State, and local laws.

8. No value shall be assigned to or claimed for the permit, or for the occupancy or use of Federal lands or related waters granted thereupon. No property or preference right is conveyed by this permit. The use of the permit as collateral is not recognized by the BLM.
9. Unless expressly stated, this SRP does not create an exclusive right of use of an area by the permittee. The permittee shall not interfere with other valid uses of the Federal land by other users.
10. The permittee may not assign, sublease, or contract any portion of the permit activities without prior authorization from BLM.
11. The permittee must present or display a copy of the special recreation permit to a participant, authorized officer's representative, or law enforcement personnel upon request. Any of the records or other documents related to the permit, the permittee or the permittee's operator, employee, or agent may be examined up to 3 years after expiration of the permit.
12. All human solid waste and unburnable garbage will be back hauled from the landing site and deposited in an approved waste disposal site.
13. Each permittee is also subject to the stipulations and conditions checked on the back of the permit.

**Additional Stipulations
For
Heliskiing
In the
Skagway, Alaska Area**

For all mitigation measures, it is recognized that exceptions may be made for all aircraft safety. Aircraft and passenger safety will take precedent over these mitigation measures.

1. All authorized operations will assure that operators meet FAA requirements to achieve safe air operations (routing, airspace separation and coordination with other operators).
2. All authorized operators will be required to submit and abide by a Safety and Operating Plan which will be approved by the BLM and will be a part of the Special Recreation Use Permit. The FAA will review these submissions.
3. All operations will maintain a 1,500 foot clearance of key mountain goat areas, mountain goats, sensitive bird nesting sites, brown and black bears, wolves, moose, sea lions, and other marine mammals. Steepness (degree in slope) and roughness (outcrops and spur ridges) affect the ratio of elevation to horizontal distance significantly (See Attachment 2 of associated EA). Attempts should be made to maximize distance between ground and habitats or animals wherever possible. Flight routes over near level terrain will maintain a minimum of 1,500 feet above ground level and at least 1,500 feet horizontal distance from wildlife habitat features described above. Pilots are not expected to compromise safety when weather conditions indicate the 1,500 foot minimum cannot be met.
4. Heliski landing areas will maintain a minimum of one mile distance from observed mountain goat activity on rock islands. Flight paths should be altered to avoid flying over rock islands with observed goat activity.
5. All authorized operations will adhere to U.S. Fish and Wildlife Service (USFWS) recommendations regarding eagle nests. Operators will be furnished with maps which show locations to be avoided during the nesting season.
 - A. Maintain established travel routes, but avoid any eagle nest by at least 1/4 mile (1,320 feet)
 - B. Helicopters must avoid hovering near and circling any eagle nest.

- C. Report to USFWS office and the BLM eagle nests found that are not indicated on maps provided.
6. Do not hover, circle, or harass wildlife in any way. This refers particularly to mountain goats, wolves, bears, eagles, sea lions, and other marine mammals, but includes all wildlife species.
 7. All operations will be requested to report observations, numbers, classification, and behavior by date, time, observer (pilot), location (map) of mountain goats, brown and black bear, moose, wolf, black tail deer, and wolverines, to the BLM within 30 days after activities are complete. It is understood that can only be done secondary to safety during the flight and the purpose of the tour. BLM will provide training and data sheets if requested.
 8. BLM will continue to jointly develop a monitoring plan with the Alaska Department of Fish and Game (ADF&G) to monitor wildlife, particularly mountain goats for habitat use area fidelity, population productivity, stability of numbers and habitat occupancy, distribution in and adjacent to the affected areas. Appropriate changes in operations will be coordinated with operators and may include a wide range of options (For example: rotational use of landing sites as necessary to achieve occupation of available habitat goals).
 9. BLM will monitor and track complaints by user groups, follow up for validity, frequency, and determination of significance; where warranted, make appropriate adjustments in flight route criteria or landing site management in consultation with user groups and operators.